

**CLOSED**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**United States of America**

v.

**Carlos Penaloza-Cabrera**

Citizen of Mexico

USM#: 74014-208

DOB: 1972

**THE DEFENDANT ENTERED A PLEA OF guilty on 1/15/2008 to Count TWO of the Complaint.**

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

**IT IS THE JUDGMENT OF THE COURT THAT** the defendant is hereby committed to the custody of the Bureau of Prisons for a term of TWENTY (20) DAYS on Count TWO, with credit for time served.

**IT IS FURTHER ORDERED** that all remaining counts are dismissed on motion of the United States.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT:** \$Remitted      **FINE:** \$      **RESTITUTION:** \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

**IT IS FURTHER ORDERED** that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.  
The defendant is remanded to the custody of the United States Marshal.

**08-15101-001M-SD**

USA vs. Carlos Penalosa-Cabrera

Date of Imposition of Sentence: **Tuesday, January 15, 2008**

Date 1/15/2008

JAY R. IRWIN, United States Magistrate Judge

**RETURN**

I have executed this Judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution  
designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

By: \_\_\_\_\_ Deputy Marshal

United States Marshal  
08-15101-001M-SD -

DATE: 1/15/2008 CASE NUMBER: 08-15101-001M-SD**PLEA/SENTENCING MINUTES**USA vs. Carlos Penalosa-CabreraU.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BKU.S. Attorney \_\_\_\_\_ INTERPRETER REQ'D Marcia ReslerAttorney for Defendant Matthew Johnson (AFPD)DEFENDANT:  PRESENT  NOT PRESENT  RELEASED  CUSTODYDOA 1/13/08 Complaint Filed Appointment of counsel hearing held Financial Afdvt taken No Financial Afdvt taken Financial Afdvt sealed Initial Appearance**DETENTION HEARING:** Held  Cont'd  Reset  UA

Set for: before:

 Defendant ordered temporarily detained in the custody of the United States Marshal Defendant ordered released (see order setting cond of rel)  Bail set at \$ \_\_\_\_\_ Defendant continued detained pending trial  Flight Risk  Danger**PLEA HEARING:** Held  Cont'd  Reset

Set for: before:

 Consent to be tried by a Magistrate Judge signed  Class A Misd  Class B Misd  Class C Misd Consent of Defendant  Information filed \_\_\_\_\_  Complaint filed \_\_\_\_\_ Defendant sworn and examined by the Court  Plea of Guilty  Not Guilty  Entered to Counts TWO Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED in defendant's true name. Plea of Guilty entered as to Ct(s) TWO of the  Information  Indictment  Complaint Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given. Plea agreement:  Lodged  Filed  Sealed Court does not accept defendant's plea of guilty because \_\_\_\_\_ PSI ORDERED  EXPEDITED  PSI waived  Time waived for passage of sentence Continued for sentence to \_\_\_ before \_\_\_\_\_ To be dismissed upon entry of the judgment, Ct(s) ONE ORDER vacate trial date/motion hearing/mtns moot ORDER defendant remain released pending sentence  remanded to USM**SENTENCING:** Defendant committed to Bureau of Prisons for a period of 20 DAYS  Probation/Supervised Release for \_\_\_\_\_ Special Assessment \$ REMITTED  Fine \$ \_\_\_\_\_  Restitution \$ \_\_\_\_\_

Other: \_\_\_\_\_

RECORDED: CS  
BY: Angela J. Tuohy, Deputy Clerk

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**United States District Court**  
**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

V.

Carlos PENALOZA-Cabrera  
Citizen of Mexico  
YOB: 1972  
A77 600 208  
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: *08-15101M-SD*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

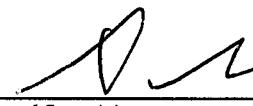
COUNT I

That on or about August 15, 1999, Defendant Carlos PENALOZA-Cabrera was arrested and removed from the United States to Mexico through the port of San Ysidro, California, in pursuance of law, and thereafter on or about January 13, 2008, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about January 12, 2008, within the Southern District of California, Defendant Carlos PENALOZA-Cabrera, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.  Yes  No

  
Signature of Complainant

Artemio Garcia  
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

January 15, 2008

Date

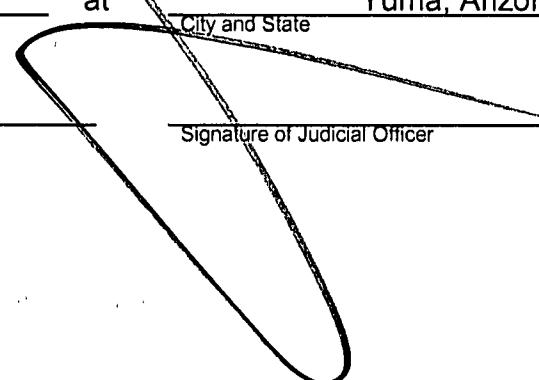
at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

  
Signature of Judicial Officer

**STATEMENT OF FACTUAL BASIS**

Defendant: Carlos PENALOZA-Cabrera

Dependents: 2 USC

**IMMIGRATION HISTORY:** The Defendant was last removed through San Ysidro, California on August 15, 1999.

**CRIMINAL HISTORY:**

<b>DATE/LOCATION</b>	<b>OFFENSE</b>	<b>DISPOSITION</b>
08/14/99 San Ysidro, CA	18 USC 1546 Counterfeit I-551	Removed

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

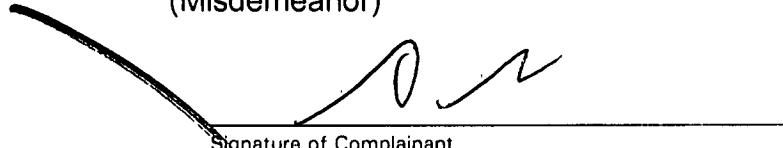
The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on January 12, 2008.

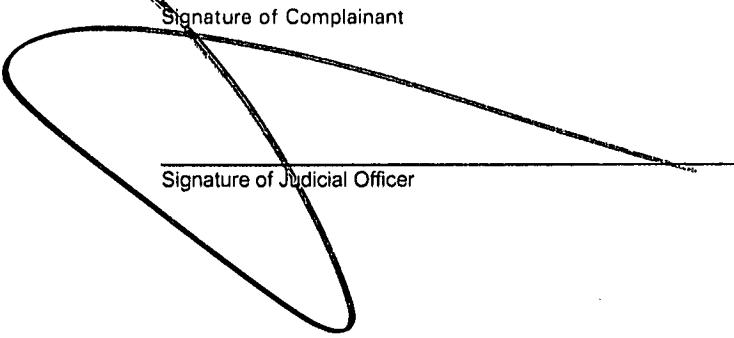
Charges: 8 USC§1326 (Felony)  
8 USC§1325 (Misdemeanor)

Sworn to before me and subscribed in my presence,

\_\_\_\_\_  
Date January 15, 2008



Signature of Complainant



Signature of Judicial Officer